

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.7177 OF 2011

Dated:06.06.2017

Between:

M.A. Rasheed, S/o. M.A. Hameed,
Aged 38 years, working as
H.M.V. Driver, A.P. Tourism,
O/o. A.P.T.D.C., 3-5-891, Tourism
House, Himayathnagar, Hyderabad

.. Petitioner

AND

State of A.P., rep., by Secretary to the
Government, Finance and Planning
Department, Secretariat, Hyderabad
and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.7177 OF 2011

ORDER:

Heard Sri G. Maloji Rao, learned counsel for the petitioner, learned Government Pleader for Finance and Planning appearing for respondent No.1 and Sri M. Roopender, learned Standing Counsel for Telangana State Tourism Development Corporation Limited appearing for respondents 2 and 3.

2. Petitioner is working as Driver (Heavy Motor Vehicle) on daily wage basis. In the Writ Petition, the petitioner sought for declaration that the action of continuing him as daily wage driver is illegal and consequential direction to regularize his services as Heavy Motor Vehicle Driver and to pay him all the benefits and allowances on par with regular drivers. By way of amendment of prayer sought in the Writ Petition, the petitioner is confining his prayer to grant him service, welfare and statutory benefits including under the Employment Provident Fund and Miscellaneous Provisions Act 1952, Payment of Gratuity Act, 1972, Payment of Bonus Act, 1965 and payment of wages on par with regular heavy motor vehicle drivers working in the respondent – Corporation.

3. When the matter is called, learned counsel for the petitioner as well as learned Standing Counsel for the Telangana State Tourism Development Corporation Limited appearing for respondents 2 and 3 submit that the Writ Petition is covered by the decision rendered by this Court on the issue of payment of pay and allowances to daily wage driver on par with regular driver.

W.P.No.27211 of 2014 is disposed of on 30.03.2017 following the decision of the Division Bench of this Court in W.A.No.736 of 2016 concerning the very same Corporation.

4. Following the decision of the Division Bench in W.A.No.736 of 2016 and the order in W.P.No.27211 of 2014, dated 30.03.2017, this Writ Petition is also disposed of directing the respondents to grant minimum of the time scale of pay attached to the post of driver (Heavy Motor Vehicle), subject to the petitioner possessing the qualifications prescribed to the post of driver (Heavy Motor Vehicle) for the period his services are utilized by the respondent – Corporation. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:06.06.2017

KH

P. NAVEEN RAO, J

